

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

DOMINIQUE DOSS,

Plaintiff,

v.

THOMAS MACKIE, et al.,

Defendants.

Case No. 2:16-cv-135

HON. JANET T. NEFF

**ORDER**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Chung Oh filed motions for summary judgment. The matters were referred to the Magistrate Judge, who issued a Report and Recommendation on November 7, 2017, recommending that the Court grant Defendant Oh's motion for summary judgment (ECF No. 67) due to Plaintiff's failure to exhaust his grievance remedies and dismiss this case without prejudice or, alternatively, that the Court grant Defendant Oh's motion for summary judgment (ECF No. 73) because Plaintiff cannot show that Defendant Oh violated his rights and dismiss this case with prejudice and enter judgment in favor of Defendants.<sup>1</sup> The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). The recommendation that summary judgment be granted dismissing the case on the merits is adopted and the case is dismissed with

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<sup>1</sup>Plaintiff was put on notice on October 6, 2016 that the Court would not serve the twelve unknown parties (ECF No. 17 at PageID.92) and Plaintiff did not thereafter amend his complaint to include the names of those individuals or otherwise identify them for service.

prejudice. Alternatively, the case is dismissed without prejudice due to Plaintiff's failure to exhaust his administrative remedies. Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 81) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motions for Summary Judgment (ECF Nos. 67, 73) are GRANTED.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

A Judgment will be entered consistent with this Order.

Dated: December 5, 2017

/s/ Janet T. Neff  
JANET T. NEFF  
United States District Judge